

REMARKS

Claims 1-13, 16-18, 21-33, 36-38, 41 and 42 are pending in this application.

The Office Action rejects claims 1-8, 10-13, 16-18, 21-28, 30-33, 36-38, 41 and 42 under 35 U.S.C. §102(e) over Layton et al. (Layton), U.S. Patent No. 6,829,478. The rejection is respectfully traversed.

Claim 1 recites an information notifying method comprising supervising physical phenomenon of a predetermined supervision area; when the physical phenomenon is detected by the supervising, notifying detection information indicating that the physical phenomenon is detected to each of a plurality of first external apparatuses; determining as to whether or not users of the first external apparatuses have accessed the notified detection information; when it is determined that all of the users of the plurality of first external apparatuses have not accessed the detection information, notifying the detection information to a second external apparatus; and when it is determined that at least one of the users of the plurality of first external apparatuses has accessed the detection information, notifying to the first external apparatuses, which the others of the users use, a fact that the detection information has already been accessed. Layton fails to suggest or disclose all of these features.

Contrary to the Office Action's assertion, Layton, explicitly or inherently, fails to suggest or disclose when it is determined that at least one of the users of the plurality of first external apparatuses has accessed the detection information, notifying to the first external apparatuses, which the others of the users use, a fact that the detection information has already been accessed, as recited in claim 1. Layton only discloses that customers can select to have a central station monitoring facility or guard service notified for police or emergency dispatch, after (A) one or more of the contacts listed in the Customer Profile have received

the information; and (B) have (i) either failed to properly cancel the event notification, or (ii) have proactively instructed the IMN to contact the central station monitoring facility or guard service for dispatch (col. 5, line 63 to col. 6, line 3; *emphasis and references added*). The Office Action incorrectly interprets this feature of Layton.

First, at the bottom of page 3, the Office Action alleges that "whoever has accessed the detection information will respond back." This assumption is respectfully traversed. Even if the Information management Network (IMN) notifies detection information to a fax or an electronic mail device, although the fax or the electronic mail device can automatically receive the detection information, a user does not always confirm the detection information. For example, the user may be away from or unable to access the fax machine or the electronic mail device. In such a case, the user will fail to respond back. Layton does not account for this failure.

Second, at the bottom of page 3, the Office Action alleges that "whoever will not fail to properly cancel the event notification." This assumption is respectfully traversed. As discussed above, there are instances when the user can fail to properly cancel the event notification. In these instances, the user can fail to properly cancel the event notification. Layton does not account for this failure.

Third, at the bottom of page 3 and the top of page 4, the Office Action alleges that "the system has to inherently notify other first external apparatuses/contacts who have already been contacted but have not yet responded a fact that the detection information had already been accessed." This assumption is respectfully traversed.

The Office Action fails to provide a basis in fact or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily follows from the teachings of Layton. There can be no speculation or only possibilities involved in a

holding of inherency. What is alleged to be inherent must necessarily occur. The mere fact that something may result from a given set of circumstances is not sufficient. In this case, the Office Action improperly relies upon a particular set of circumstances to describe what may happen.

For example, it is possible that when the system receives a response from another first external apparatus after already receiving a response from one of the first external apparatuses, the system ignores the response from the another first external apparatus. Thus, Layton fails to explicitly disclose or suggest (i) the system notifies the other first external apparatuses the fact that detection information has already been accessed; and (ii) the system ignores responses from the other first external apparatuses. Thus, the Office Action must rely on the allegation of inherency to reject claim 1.

As discussed above, to establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference. Inherency, however, may not be established by probabilities or possibilities and the mere fact that a certain thing may result from a given set of circumstances is not sufficient to establish the inherency of that result (MPEP §2112 IV). Here, the Office Action merely alleges that the system of Layton may notify the other first external apparatuses the fact that the detection information has already been accessed. Thus, the Office Action has not met its burden of making clear that the system of Layton necessarily notifies the other first external apparatuses the fact that the detection information has already been accessed. Therefore, Layton does not explicitly or inherently disclose or suggest all of the features recited in claim 1.

Claim 21 is an apparatus claim reciting features similar to those of claim 1. For the reasons discussed above, Layton fails to disclose or suggest when the determination

determines that at least one of the users has accessed the detection information, the first notification unit notifies to the first external apparatuses, which the others of the users use, a fact that the detection information has already been accessed, as recited in claim 21. Thus, Layton does not explicitly or inherently disclose or suggest all of the features recited in claim 21.

Further, because claims 2-8, 10-13, 16-18, 22-28, 30-33, 36-38, incorporate the features of claims 1 and 21, Layton fails to disclose or suggest the features of any of these claims for the foregoing reasons, as well as for the additional features found therein.

Claim 41 recites an information notifying method comprising supervising physical phenomenon of a predetermined supervision area; when the physical phenomenon is detected by the supervising, notifying detection information indicating that the physical phenomenon is detected to each of a plurality of first external apparatuses; determining as to whether or not users of the first external apparatuses have accessed the notified detection information; and when it is determined that all of the users of the plurality of first external apparatuses have not accessed the detection information, notifying the detection information to a second external apparatus, wherein the plurality of first external apparatuses are portable terminals, respectively; and the notifying to the first external apparatuses comprises notifying the detection information to the plurality of first external apparatuses while giving priority to a portable terminal closest to the supervision area based on location information of each portable terminal, the location information detected by using location detection function of each portable terminal. Layton fails to disclose or suggest all of these features.

Layton does not disclose or suggest the notifying to the first external apparatuses comprises notifying the detection information to the plurality of first external apparatuses

while giving priority to a portable terminal closest to the supervision area based on location information of each portable terminal, the location information detected by using location detection function of each portable terminal, as recited in claim 41. The Office Action does not address this feature in any way. As this feature is not disclosed or suggested by Layton, Layton fails to disclose or suggest all of the features of claim 41. Thus, the rejection of claim 41 is improper.

Claim 42 is an apparatus claim reciting features similar to those of claim 41. For the same reasons discussed above, Layton fails to disclose or suggest all of the features recited in claim 42. Thus, the rejection of claim 42 is also improper.

Therefore, it is respectfully requested the rejection of claims 1-8, 10-13, 16-18, 21-28, 30-33, 36-38, 41 and 42 be withdrawn.

The Office Action rejects claims 9 and 29 under 35 U.S.C. §103(a) over Layton in view of Vaios, U.S. Patent No. 6,271,752. The rejection is respectfully traversed.

Vaios does not overcome the deficiencies of Layton with respect to claims 1 and 21. As such, the combination cannot suggest the subject matter of claims 9 and 29, which depend from claims 1 and 21, respectively, for the reasons set forth above as well as for the additional features recited therein. Therefore, it is respectfully requested the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-13, 16-18, 21-33, 36-38, 41 and 42 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place

this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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